

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
3:03cv313

GARDEN CITY BOXING CLUB, INC,  
as Broadcast licensee of the June 8, 2002  
LEWIS/TYSON program,  
Plaintiff,

vs.

TYLER C. MILLNER JR. and ALL STAR  
SPORTS BAR & LOUNGE, a/k/a ALL STAR  
RESTAURANT SPORTS BAR AND  
LOUNGE,  
Defendants.

ORDER

On August 12, 2005, the magistrate judge issued a Memorandum and Recommendation in the present case recommending that the plaintiff's motion for default judgment be granted and the plaintiff be awarded damages and attorney's fees. The parties were advised that objections were to be filed in writing within ten days after service of the magistrate judge's decision. The deadline for filing objections has since passed, and neither party has filed objections in this matter. After a careful review of the Memorandum and Recommendation, the Court finds that the magistrate judge's proposed findings of fact are supported by the record and that the proposed conclusions of law are consistent with current case law. Accordingly, the Court hereby accepts the magistrate judge's recommendations that the plaintiff's motion for default judgment be granted and the plaintiff be awarded damages and attorney's fees.

**THEREFORE, IT IS HEREBY ORDERED** that the Defendant's motion for default judgment is **GRANTED**; Mr. Miller and All Star are jointly and severally liable to Garden City for damages in the amount of \$35,000; that Mr. Miller and All Star are likewise liable to Garden City for prejudgment interest in the amount of 8% to be figured by the Clerk from June 8, 2002 until the date of ruling by this Court; that Mr. Miller be held liable to Garden City for fees in the amount of \$397.50; and that All Star be held liable to Garden City for fees in the amount of \$477.50.

Signed: March 23, 2006

A handwritten signature in cursive script, reading "Robert J. Conrad, Jr.", written over a horizontal line.

Robert J. Conrad, Jr.  
United States District Judge

